

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

FILED
KERNETH C. LINDLEY
CLERK
03 SEP 11 PM 3:55

MARSHALL SLOAN,
Petitioner,

vs.

HARRY RUSSELL, Warden
Respondent.

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Case No. C1-01-390

APPLICATION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

Now comes the plaintiff, Marshall Sloan, pursuant to 28 U.S.C. § 1915, and respectfully petitions this Court to allow plaintiff to proceed without payment of the filing fee or costs. I declare that I am unable to pay the filing fee or the costs of these proceedings and that I am entitled to relief sought in this appeal.

Respectfully submitted



Marshall Sloan, pro se

A146-603

P.O. Box 1812

Marion, Ohio 43301-1812

AFFIDAVIT

I, Marshall Sloan, declare that I am the plaintiff in the above-entitled proceeding; that in support of my request to proceed without payment of the filing fee or costs under 28 U.S.C. § 1915, I declare that I am unable to pay the filing fee or the costs of these proceedings and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under the penalty of perjury:

1. Are you currently incarcerated? YES
NORTH CENTRAL CORRECTIONAL INSTITUTION, P.O.
Box 1812, Marion, Ohio 43301-1812
2. Do you have a work, program status assignment or other
circumstances which causes you to be paid by the prison, jail, or
other custodial institution? YES
If "yes" state the amount credited to you each month: \$24.00 a
month.
3. In the past 12 months have you received any money from the
following sources? If so, state the total amount received
 - a. Business, profession or other self-employment: None
 - b. Rent payments, interest or dividends: None
 - c. Pensions, annuitites or life insurance payments: None

- d. Disability or workers compensation payments: None
- e. Gifts or inheritances: None
- f. Any other sources: \$9.00

If yes, describe each source of money and state the amount received and what you expect to continue to receive.

Plaintiff's mother sent plaintiff a 9 dollar money order in August of 2003.

- 4. Do you have any cash or checking or savings accounts outside the prison? No
- 5. Do you have a secondary savings account, such as a certificate of deposit or a savings bond, which is recorded by the prison cashier? No.
- 6. Do you own any assets, including real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? No.
- 7. Have you on three or more prior occasions, while incarcerated or detained in any prison, jail or other facility, brought an action in a court of the United States that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted? No.

DECLARATION UNDER PENALTY OF PERJURY

I declare under the penalty of perjury that I have submitted above a complete statement of all the assets I possess and that all of the information is true and correct.

I understand that my signature below authorizes the institution of incarceration to forward from my account to the Clerk of the Court any initial partial filing fee assessed by the Court in the amount of 20 percent of the greater of the average monthly deposits to my prison account of the average monthly balance in my prison account for the six-month period immediately preceding the filing of the complaint. Thereafter, I authorize the institution of incarceration to forward monthly payments of 20 percents of my preceding month's income credited to my prison account until I have paid the full amount of the filing fee.

9-9-03
DATE

Marshall Dean
Signature of Applicant